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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,190	03/29/2001	Martin A. Kenner	56096US002	4518
32692	7590	06/07/2004		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER

-DATE MAILED: 06/07/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

14

# Office Action Summary

Application No.

09/821,190

Applicant(s)

KENNER ET AL.

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim 31 is dependent upon claim 34, and is separated by dependent claim 33 which does not depend upon 34.

2. Claim 31 objected to because of the following informalities:

Claim 31 has incorrect dependency as noted above.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4,6-14 and 17 rejected under 35 U.S.C. 102(e) as being anticipated by over Fawcett (US Patent No 6,327,617).

2. In reference to claim 1, Fawcett teaches a method performed at a content recipient (Abstract) comprising:

executing first program code at the content recipient so as to identify a content provider having posted content of interest to the content recipient (Summary and column 6 lines 10-50, Fawcett discloses a user update application to identify an application provider); and

executing second program code at the content recipient so as to automatically initiate a request for the posted content (Summary and column 7 line 14-53 & column 10 line 17-45, Fawcett discloses automatically requesting application content).

3. In reference to claim 2, 4,6 and 8, Fawcett teaches the method of claim 1 further comprising terminating the automatic initiation of the request for the posted content without communicating with the content provider to effect the termination (Summary, Fawcett inherently discloses the user update application as terminating the initiation since it was the user update application that initiated the request to begin with).

4. In reference to claim 3 and 7, Fawcett teaches the method of claim 1 wherein the executing of the second program code at the content recipient so as to automatically initiate a request for the posted content comprises executing second program code at the content recipient so as to automatically and recurrently initiate requests for the posted content (Abstract and column 9 line 40 – column 11 line 26, Fawcett discloses automatically and periodically requesting updates).

5. In reference to claim 9, Fawcett teaches the method of claim 1 further comprising executing third program code at the content recipient so as provide notice to the recipient that no posted content has been received by the content recipient in response execution of the second program code (Summary and column 8 lines 5-56, Fawcett discloses an empty output report indicating no updates).

6. In reference to claim 10, Fawcett teaches the method of claim 1 further comprising executing third program code at the content recipient so as to receive the posted content at the content recipient in response to execution of the second program code (Summary and column 8 lines 6-56, column 9 lines 14-45 and column 10 lines 17-45).

7. In reference to claim 11, Fawcett teaches the method of claim 10 further comprising executing fourth program code at the content recipient so as to provide notice to the content recipient that the posted content has been received at the content recipient in response to execution of second and third program code (Summary and column 10, Fawcett discloses receiving/downloading update content to a user and given an indication when it is downloaded).

8. In reference to claim 12, Fawcett teaches the method of claim 10 wherein executing the third program code comprises executing the third program code so that the posted content is displayed behind a session if the session is active (Summary).

9. In reference to claims 13 and 14, Fawcett teaches the method of claim 12 further comprising executing fourth program code at the content recipient so as to provide notice to the content recipient that the posted content has been received at the content recipient in response to execution of the second and third program code, wherein the notice is displayed even if the session is active (Summary and column 11 lines 1-26).

10. In reference to claim 17, Fawcett teaches the method of claim 1 further comprising electronically receiving the second program code at the content recipient from the content provider (Summary and columns 5&6).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett (US Patent No 6,327,617) in view of Kenner et al (US Patent No 6,314,565).

Fawcett teaches the method of claim 1 above. Fawcett fails to explicitly teach wherein the method is performed without identifying the content recipient to the content provider. However, Kenner teaches a client anonymously requesting content from a content provider to allow client access without identifying the client (Summary and column 10).

It would have been obvious for one of ordinary skill in the art to modify Fawcett by not identifying the client when the client requests content from a provider as per the teachings of Kenner so as to allow client access without identifying the client.

13. Claims 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett (US Patent No 6,327,617) in view of Slotznick (US Patent No 6,011,537).

Fawcett teaches the method of claim13 above. Fawcett fails to explicitly teach wherein the method further comprises executing fifth program code at the content recipient so that, upon an action related to the notice, the posted content burns through the session so that the posted content is visible to a user; and comprises executing fifth program code at the content recipient so that, upon an action related to the notice, the posted content is displayed in front of the session so that the posted content is visible to a user. However, Slotznick teaches displaying or otherwise bringing content to the front when a certain action occurs (column 15 lines 1-45).

It would have been obvious for one of ordinary skill in the art to modify Fawcett by bringing content to the front when a certain action occurs as per the teachings of Slotznick so that that particular content can be prioritized and displayed to the user.

14. Claims 18-42 do not define any new limitations above the teachings of claims 1-17 and are therefore rejected for the above mentioned reasons.

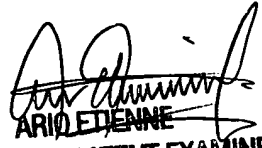
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
May 28, 2004

  
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